

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Tr.P(C).No. 108 of 2007()

OP(EP).4/2005 of MUNSIFF COURT, PUNALUR

PETITIONER/ORIGINAL PETITIONER

**J.P.JOHN, KOODARATHIL,
TOWN WARD, PUNALLOOR MUNICIPALITY.**

BY ADV. SRI.RINNY STEPHEN CHAMAPARAMPIL

RESPONDENTS/RESPONDENTS:

**1. RAJEEV KUMAR, RAJEEV BHAVANAM,
BHARANIKKAVU, PUNALLOOR VILLAGE, PUNALLOOR P.O.**

**2. SHEHAS YOUSEF, SALENA MANZIL,
BHARANIKAVU, PUNALLOOR VILLAGE, PUNALLOOR
MUNICIPALITY.**

**3. SAJEEV SADASIVAN, SYAMALALAYAM,
VALAKKODU, VALAKKODU VILLAGE, PUNALLOOR
MUNICIPALITY.**

**R2 BY ADV. SRI.K.JAYAKUMAR
SRI.R.SURAJ KUMAR**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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Dated this the 26th day of June, 2007.

J U D G M E N T

This transfer petition is filed seeking to transfer Election O.P.4/05 pending before the Munsiff's Court, Punaloor to any other Court. The main ground alleged for transfer is that the 2nd respondent in the O.P. belong to the Nationalist Congress Party which later on merged with NCP. It is averred that the husband of the learned Munsiff is a practicing lawyer and is a strong activist and member of the DIC(K) and that he used to visit the Court centre at Punaloor. I called for the remarks of the learned Munsiff and she had clearly stated that her husband is not a follower of DIC(K) and that he is a practicing member of the Trivandrum Bar and that she is staying alone at Punaloor and no statement has been made by him as stated in the Transfer Petition. She had also requested this Court that since the petitioner has no faith in the Court the case may be transferred to some other Court. I am satisfied with the remarks given by the learned Munsiff and it was

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not charitable on the part of the Transfer Petitioner to level unnecessary allegations against the Presiding Officer. Under the ordinary circumstances I would not have transferred the case, but considering the fact that it will cause unnecessary embarrassment to the Judicial Officer in disposing of the case and in order to make the things clear I transfer O.P.4/05 pending before the Munsiff Court, Punaloor to the nearby Munsiff Court at Kottarakkara. The learned Munsiff shall transfer the case file to the Munsiff Kottarakkara and the Munsiff Kottarakkara is requested to dispose of the matter as expeditiously as possible giving preference to this case for the reason that it is an election petition.

The Tr.P.C. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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